

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00416

Andrew PJ Whitaker,
Plaintiff,

v.

Pennie R. Kempt et al.,
Defendants.

Before BARKER, *District Judge*

ORDER

On this day, the court considered the findings of fact and recommendation of United States Magistrate Judge K. Nicole Mitchell concerning the consolidation of this lawsuit with another one filed by plaintiff Andrew Whitaker, styled *Whitaker v. Kempt et al.*, civil action no. 6:19-cv-00349.

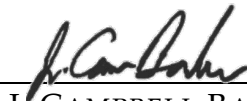
Having conducted a proceeding in the form and manner prescribed by 28 U.S.C. § 636(b)(1) and (3), the magistrate judge recommends that the two lawsuits be consolidated for all purposes. Plaintiff received a copy of this report on October 1, 2019, but has filed no objections. Plaintiff is therefore barred from appealing the factual findings and legal conclusions of the magistrate judge which are accepted and adopted by the district court except upon grounds of plain error. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Upon review, the court is of the opinion that the findings of fact and recommendation should be accepted.

It is accordingly **ordered** that the findings of fact and recommendation of the magistrate judge, filed on September 19, 2019, are hereby **adopted**.

It is further **ordered** that the lawsuits styled *Whitaker v. Kempt, et al.*, civil action no. 6:19-cv-00349 and *Whitaker v. Kempt, et al.*, civil action no. 6:19-cv-00416, are **consolidated** for all purposes into one lawsuit under civil action no. 6:19-cv-00349. Only one filing fee shall be charged to plaintiff for this consolidated lawsuit. All further filings in the case shall be made in civil action no. 6:19-cv-00349. Any motions which may be pending in civil action no. 6:19-cv-00416 are **denied**.

So ordered by the court on November 21, 2019.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge